

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SABRINA POPE,

Plaintiff,

VS.

TROTT AND TROTT,
Defendant.

CIVIL ACTION NO. 07-CV-13491-DT

DISTRICT JUDGE DAVID M. LAWSON

MAGISTRATE JUDGE MONA K. MAJZOUN

_____/

REPORT AND RECOMMENDATION

I. RECOMMENDATION: This action should be **DISMISSED** because Plaintiff has failed to comply with the pre-filing injunction issued in Case No. 07-CV-12606 (E.D. Mich. July 30, 2007).

II. REPORT:

This matter comes before the Court on the Court's duty to screen complaints filed in civil actions in which the plaintiff is proceeding *in forma pauperis*. 28 U.S.C. § 1915(e)(2)(B). Plaintiff has filed an Application to Proceed *In Forma Pauperis*. (Docket no. 2). The Court will by separate Order grant Plaintiff's Motion to Proceed IFP. Plaintiff's Complaint states that "the United States has no Constitutional Capacity to exercise municipal jurisdiction, sovereignty or eminent domain, within the limits of a State or elsewhere Pollard v. Hagan 44 U.S.C. 213, 221, 223." All pretrial matters have been referred to the undersigned for decision. (Docket no. 5).

Plaintiff has filed numerous cases against this same Defendant in this District. At least three of them have been dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B). In case number 07-CV-12606 Judge Gadola entered a pre-filing injunction against Plaintiff. By this injunction, Plaintiff "is ENJOINED from filing any future complaints *in forma pauperis* in this district against Trott & Trott unless Plaintiff

receives prior authorization from this Court.” (No. 07-12606, docket no. 5 (E.D. Mich. July 30, 2007)). This Order which enjoined Plaintiff from filing further complaints against Trott & Trott also requires that any complaint filed by Plaintiff be accompanied by (1) an application for permission to file the pleading; (2) an affidavit regarding Plaintiff’s allegations; and (3) an affidavit regarding Plaintiff’s purpose in filing the action. (*Id.*). The Order warned Plaintiff that “failure to follow this order will result in summary dismissal and/or other sanctions the Court deems appropriate to remedy the situation.” (*Id.*).

Plaintiff has failed to comply with the Order entered in case number 07-12606. She has named as the sole Defendant Trott and Trott. She is proceeding *in forma pauperis*. Plaintiff has failed to file an application for permission to file her Complaint, failed to file an affidavit regarding her allegations, and failed to file an affidavit regarding her purpose in filing this action. (Docket no. 1). This action should therefore be summarily dismissed for failure to comply with the pre-filing injunction.

III. NOTICE TO PARTIES REGARDING OBJECTIONS:

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec’y of Health & Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Filing of objections which raise some issues but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec’y of Health & Human Servs.*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed’n Of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Any objections must be labeled as “Objection #1,” “Objection #2,” etc. Any objection must recite *precisely* the provision of this Report and Recommendation to which it pertains. Not later than

ten days after service of an objection, the opposing party must file a concise response proportionate to the objections in length and complexity. The response must specifically address each issue raised in the objections, in the same order and labeled as “Response to Objection #1,” “Response to Objection #2,” etc.

Dated: August 30, 2007

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Report and Recommendation was served upon Sabrina Pope on this date.

Dated: August 30, 2007

s/ Lisa C. Bartlett
Courtroom Deputy